

REMARKS

Initially, applicants would like to thank Examiner Prange for granting an interview and for her time spent during the interview. Applicants would also like to thank Supervisory Examiner Yu for attending the interview and for his input during the interview.

The application has been amended consistent with the discussion during the interview to place it in condition for allowance at the time of the next Official Action.

Claim status

Claims 1 and 3-8 are pending for consideration.

Claim objection

Claim 3 is amended to depend from claim 1 to address the claim objection.

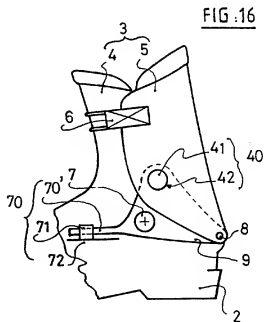
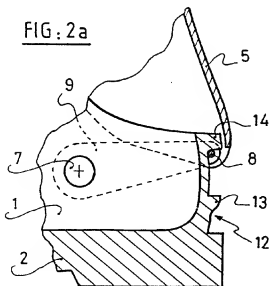
35 USC 112, second rejection

Claim 5 is amended to change "a respective first end" to "a respective said first end" to clarify that this term refers back to the first recitation of "first end". Such a change is believed to address the 35 USC 112, second paragraph rejection of claim 5 and withdrawal of the same is respectfully requested.

35 USC 103(a) rejection

Claims 1 and 3-8 were rejected under 35 USC 103(a) as being unpatentable over NERRINCK et al. US 5,224,281. That rejection is respectfully traversed.

NERRINCK, as pointed out during the interview, discloses with respect to Figures 2a and 16, reproduced below, stirrup 9 that pivots about axis 7. As seen in Figure 2a, the stirrup 9 pivots between stop element 14 and support element 13 (see column 4, lines 20-24). As previously argued, such movement is a flex movement only (flexion) and does not limit extension movement. In the embodiment of Figure 16, the stirrup 9 might also include an extension 70' that cooperates with a support abutment 71 of base 1 (see column 7, lines 39-45) for controlling flexion.



In the present invention, with reference to Figure 1, for example, reproduced below, the pivot (24) allows the rotation of the upper (4) relative to the body (2) to allow a flexion and extension movement of the user.

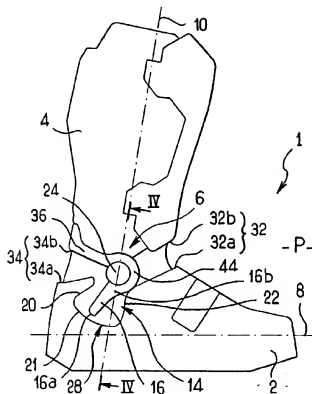


FIG. 1

In order to make this distinction clearer, as discussed during the interview, the independent claims are amended to recite "a first stop limiter comprising a first flexion element which is connected to a front of the body and a second flexion element which is connected to a front of the upper" and a second

stop limiter comprising a first extension element which is connected to a rear of the body and a second extension element which is connected to a rear of the upper.

As pointed out during the interview, NERRINCK only envisages linking the back end of a rod to facilitate the introduction and extraction of the user's foot in the footwear. The resources used in NERRINCK for bending the upper relative to the body are not limited at the rear, thereby creating for the user the risk of injury to the ankle, especially when using a shoe according to NERRINCK for an activity such as motorcycling.

Moreover, any front movement or flexion is based on rear element 14. NERRINCK does not suggest a first stop limiter comprising a first flexion element which is connected to a front of the body and a second flexion element which is connected to a front of the upper.

Therefore, the invention of claim 1 does not result in any obvious way based on NERRINCK.

Independent claims 5 and 8 include features similar to those of claim 1 and the analysis above regarding claim 1 as it applies to these features also apply to claims 5 and 8.

The dependent claims are believed to be patentable at least for depending from an allowable independent claim.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been

placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Liam McDowell/
Liam McDowell, Reg. No. 44,231
209 Madison Street, Suite 500
Alexandria, Virginia 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/fb